

1                   **WAGANAKISING ODAWAK STATUTE 2012-0XX**  
2                   **RECALL of an OFFICIAL and LEAVE of ABSENCE**  
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5   **SECTION I.           PURPOSE**  
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7           The purpose of this Statute is to provide for paid leave of absence in the case of a recall  
8 of an Official in accordance with this Statute.  
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11   **SECTION II.         DEFINITIONS**  
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13   **A.       “Leave of Absence”** means a temporary suspension of the Official’s duties and  
14 authority.  
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16   **B.       “Official”** means Tribal Chair, Vice Chair and/or Tribal Council members  
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19   **SECTION III.        CONSTITUTIONAL RECALL ELECTION and LEAVE OF**  
20                   **ABSENCE**  
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22   **A.       The Tribal Chair, Vice Chair and Tribal Council members** may be subject to recall in  
23 accordance with the Constitution.  
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25   **B.       The Official** against whom a recall petition has been filed shall continue to perform the  
26 duties of his or her office until the preliminary non-certified results are posted by the Election  
27 Board.  
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29   **C.       If the preliminary non-certified results** show that the elected official subject to the recall  
30 was not successful in the recalling of the Official, then the Official shall continue to perform the  
31 duties of his or her office  
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1 **D.** If the preliminary non-certified results show that the elected Official subject to the recall  
2 was successful in the recalling of the Official, then the Official shall be placed on paid leave of  
3 absence until the Election Board certifies the election results.  
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5 **E.** Upon the results of the certified election, if the recall election is not successful in the  
6 recalling of the Official, then the Official shall resume to perform the duties of his or her office  
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8 **F.** Upon the results of the certified election, if the recall election is successful in the  
9 recalling of the Official, then any and all paid leave of absence shall cease.  
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#### 12 **SECTION IV. IMPLICATIONS OF LEAVE OF ABSENCE**

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14 **A.** The Official on paid leave of absence shall receive his or her compensations as set forth  
15 by Tribal Statute.  
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17 **B.** The Official on paid leave of absence shall have all duties, authority and privileges  
18 associated with the Official's position suspended. Such suspension shall including barred access  
19 to confidential information, Tribal records, properties and equipment associated with the  
20 position.  
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#### 23 **SECTION V. SEVERABILITY**

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25 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for  
26 any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion  
27 shall be deemed a separate, distinct and independent provision and such holding shall not affect  
28 the validity of the remaining portions thereof.  
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#### 31 **SECTION VI. EFFECTIVE DATE**

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Effective upon the signature of the Executive or 30 days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

## CERTIFICATION

Recall of an Official and Leave of Absence Draft Statute-posted to Legislative Calendar November 18, 2012.  
Secretary Gasco Bentley \_\_\_\_\_